

**Arkansas Department of Environmental Quality
RCRA FY2011 MidYear Review
(10/1/2010 - 3/31/2011)**

Data completeness, accuracy and timeliness (SRF Metric 1, 2 and 3):

ADEQ's data in RCRAInfo is complete, accurate and timely.

Inspection Coverage: Degree to which state completed the universe of planned inspections/compliance evaluations (SRF Metric 5):

<i>TSDFs</i>	Evaluation Count	Facility Count	Universe	% Covered *	State Evaluation Projection
<i>Federal Facilities</i>	0	0			
<i>Private</i>	12	10			
<i>State Facilities</i>	0	0			
Total	12	10	11	64%**	6

Evaluation Count and Facility Count include all Evaluation Types conducted at any TSDF.

*(This column only calculates the % covered using CEI, GME's and OAM Evaluation Types, for purposes of meeting the National Program Guidance requirement of evaluating 50% of the "Operating" TSDF Universe (100% every 2 years), multiple evaluations of the same facility count as only one inspection.) ** Inspections conducted at 7 Operating TSDFs were used in the calculation of Universe coverage, multiple evaluations of the same facility were not included in this count: (7/11 = 64%).

During the period of 10/1/2010 through 3/31/2011, ADEQ conducted 12 inspections at 10 Treatment, Storage and Land Disposal (TSD) facilities (includes 0 Federal Facilities). ADEQ inspected 64% of the Operating TSDF Universe (from a April 11, 2011 RCRAInfo report), exceeding the 50% annual coverage of Operating TSDFs.

Large Quantity Generators	Evaluation Count	Facility Count	Universe	% Covered *	State Projection
<i>Federal Facilities</i>	0	0			
<i>Private</i>	16	16			
<i>State Facilities</i>	0	0			
Total	16	16	131	12%	26

Evaluation Count and Facility Count include all Evaluation Types conducted at any LQG , including multiple inspections at a single facility.

*(This column only calculates the % covered using CEI Evaluation Types, for purposes of meeting the National Program Guidance requirement of evaluating 20% of the LQG Universe annually (inspecting 100% of the LQG universe in 5 years), multiple evaluations of the same facility count as only one inspection.)

**16 CEIs at LQGs were used in the calculation of Universe coverage, multiple evaluations of the same facility were not included in this count: (16/131= 12%).

During the period of 10/1/2010 through 3/31/2011, ADEQ conducted inspections at 16 Large Quantity Generators (LQGs). ADEQ inspected 12% of the LQG Universe (LQG Universe 131 based on a RCRAInfo pull at the beginning of the FY).

Other Facilities	Evaluation Count	Facility Count	Universe	% Covered	State Projection
<i>Small Quantity Generators</i>	5	5			
<i>Conditionally Exempt Small Quantity Generators</i>	1	1			
<i>Not in Any Universe</i>	13	13			
<i>Transporters</i>	0	0			
Total	19	19	-	-	

Evaluation Count and Facility Count include all Evaluation Types conducted at Small Quantity Generators (SQGs), Conditionally Exempt Small Quantity Generators (CESQEG), Not in Any Universe and Transporters , including multiple inspections at a single facility.

*(There is no National Program Guidance coverage requirement for these types of facilities)

During the period of 10/1/2010 through 3/31/2011, ADEQ conducted inspections at 19 "Other" Facilities.

One Compliance Assistance Visit was conducted during this period at a Small Quantity Generator, but not included in the above count due to HQ's counting criteria.

Types of Inspections	Evaluation Count
<i>CAC — Corrective Action Compliance</i>	1
<i>CAV — Compliance Assistance Visit</i>	1
<i>CEI — Compliance Evaluation Inspection</i>	29
<i>FCI — Focused Compliance Inspection</i>	7
<i>FRR — Financial Records Review</i>	2
<i>FUI — Follow-Up Inspection</i>	3
<i>OAM — Operation and Maintenance</i>	4
Total	47

Evaluation Count includes all Evaluation Types at all facilities including multiple inspections at a single facility.

Violation Identification Rate at sites with inspections: (SRF Metric 7)

Of the 45 facilities that were inspected during this period, 24 facilities were found to have violations, based on information from RCRAInfo, this is a 53% violation discovery rate. (Breakdown of Universe and violations found: Land Disposal Facilities = 2, Storage/Treatment Facilities = 4, LQG = 9, SQG = 2, CESQG = 1, Transporters = 0, Not Any Universe/Non-Notifiers = 5). Some facilities inspected are still under review for potential violations, thus depending on the outcome the violation rate discovered could increase once these reviews are complete.

Enforcement:**Significant Non-Compliers (SRF Metric 8):**

The National Goal for SNC identification is 1.0% of inspections should result in identifying SNCs. There were 7 SNCs identified during the period of 10/1/2010 through 3/31/2011, resulting in a 16.3% SNC identification rate for ADEQ.

The number of sites in SNCs status, during this period is 17. Eleven (11) of the sites in SNC were addressed with formal enforcement (see table below), 10 of which were within the timelines outlined in the Enforcement Response Policy (ERP), the 1 remaining site is considered as "addressed timely" under an alternative scheduled as allowed by the ERP.

SNC Addressed with Formal Enforcement:

Facility Name	ID #	Evaluation Date	Enf. Type	#Days	Settled Penalty	Collected	SEP
AMKO Service Co.	ARD092925619	9/9/10	310	140	\$2,125.00	\$0	\$0
B&M Painting Co., Inc.	ARD983286162	5/13/10	310	230	\$11,750.00	\$11,750.00	\$0
Clean Harbors El Dorado	ARD069748192	4/19/10	310	269	\$6,600.00	\$6,600.00	\$0
Clean Harbors El Dorado	ARD069748192	5/22/10	310	236	\$0	\$0	\$0
Clean Harbors Environment	ARD069743110	4/22/10	310	273	\$800.00	\$800.00	\$0
Danaher Tool Group	ARD044484780	6/23/10	310	145	\$2,500.00	\$2,500.00	\$0
Gerdau Macsteel	ARD053730701	11/30/09	210	318	\$0	\$0	\$0
LM Wind Power Blades	ARR000018010	7/21/10	310	191	\$13,500.00	\$13,500.00	\$0
Natural Gas Pipeline Co	ARD075655670	3/16/10	310	209	\$10,500.00	\$10,500.00	\$0
Pinnacle Biofuels, Inc.	ARR000017897	11/9/10	210	28	\$0	\$0	\$0
Rineco Chemical Industries	ARD981057870	6/28/10	310	192	\$2,062.50	\$2,062.50	\$0

210 = Initial (3008) Compliance Order; **310** = Final 3008(a) Compliance Order

Status of the remaining 6 sites in a Significant Non-Complier status:

Facility Name	ID #	SNY/Evaluation Date	Status
Amerimax Coated Products	ARR000000083	12/29/10	Enforcement not due yet
Brance Edwards	ARR000021071	6/25/10	No longer a SNC, SNN designation has been entered into RCRAInfo.
Bunn Engine Repair	ARR000021758	12/6/10	Enforcement not due yet
Forty-Niner Metals	ARR000021766	11/17/10	Enforcement not due yet
Norene Ware Property	ARR000021683	10/11/10	Enforcement not due yet
Superior Well	ARR000021972	3/31/11	Enforcement not due yet
Rawhide Trailer	ARR000013250	10/7/04	This SNC was addressed with a Final Formal enforcement action on 10/26/06, however, the facility remains in a SNC status due to ongoing activity through the Faulkner County Circuit Court.

Secondary Violators (SVs)**Formal Enforcement Actions:**

Facility Name	ID #	Evaluation Date	Enf. Type	#Days	Settled Penalty	Collected	SEP
None							

Informal Enforcement Actions:

Type of Action	Facilities	Number of Actions
Written Informal (RCRAInfo Code 120)	24	24
Letter of Intent to Initiate Enforcement (RCRAInfo Code 140)	8	8
Proposed CAO (RCRAInfo Code 149)	8	9
Total	40	41

6 of the 140's and 9 of the 149's listed above were issued to SNCs.

Timely and Appropriate Enforcement (SRF Metric 10):

All Enforcement Actions issued during this period were within the timelines outlined in the ERP and appear to be appropriate based on the data in RCRAInfo. 73% of final formal enforcement actions included a penalty, exceeding the National Goal of 38.5%.

State Inspection and Enforcement Analysis (4 Year Period)
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Inspections/Enforcement:

ADEQ Fiscal Year	Number of Evaluations	Administrative Enforcement	Other Enforcement
2008	85	16	67
2009	87	18	81
2010	117	21	108
2011 (Midyear)	47	11	41

Inspection and enforcement information is from RCRAInfo.

Administrative Enforcement actions are initial formal orders (RCRAInfo Code: 210), combination of initial formal orders (RCRAInfo Code: 290), final orders (RCRAInfo Code 310), Initial civil judicial action for compliance and/or monetary penalty (RCRAInfo Code: 510), consent decrees (RCRAInfo Code: 610), and judicial orders (RCRAInfo Code 620) and final civil judicial action for interim corrective action (RCRAInfo Code 630).

Other Enforcement actions are verbal warnings (RCRAInfo Code: 110), notices of violations (RCRAInfo Code: 120), notice to comply (RCRAInfo Code: 122), letter of intent to initiate enforcement (RCRAInfo Code 140), and referrals (i.e., EPA, State Superfund, District Attorney, Criminal)

Penalties:

ADEQ Fiscal Year	Final Penalties	SEP
2008	\$195,214.37	\$8,000
2009	\$318,207.00	\$35,000
2010	\$174,618.75	\$0
2011 (Midyear)	\$498,375.00	\$0

Penalty information is from RCRAInfo.